

HB2357



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2357

by Rep. Frank J. Mautino

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-60

Amends the School Code. Makes a technical change in a Section concerning the unfunded mandates prohibition.

LRB098 10626 NHT 40903 b

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 22-60 as follows:

6 (105 ILCS 5/22-60)

7 Sec. 22-60. Unfunded mandates prohibited.

8 (a) No public school district or private school is
9 obligated to comply with the ~~the~~ following types of mandates
10 unless a separate appropriation has been enacted into law
11 providing full funding for the mandate for the school year
12 during which the mandate is required:

13 (1) Any mandate in this Code enacted after the
14 effective date of this amendatory Act of the 96th General
15 Assembly.

16 (2) Any regulatory mandate promulgated by the State
17 Board of Education and adopted by rule after the effective
18 date of this amendatory Act of the 96th General Assembly
19 other than those promulgated with respect to this Section
20 or statutes already enacted on or before the effective date
21 of this amendatory Act of the 96th General Assembly.

22 (b) If the amount appropriated to fund a mandate described
23 in subsection (a) of this Section does not fully fund the

1 mandated activity, then the school district or private school
2 may choose to discontinue or modify the mandated activity to
3 ensure that the costs of compliance do not exceed the funding
4 received.

5 Before discontinuing or modifying the mandate, the school
6 district shall petition its regional superintendent of schools
7 on or before February 15 of each year to request to be exempt
8 from implementing the mandate in a school or schools in the
9 next school year. The petition shall include all legitimate
10 costs associated with implementing and operating the mandate,
11 the estimated reimbursement from State and federal sources, and
12 any unique circumstances the school district can verify that
13 exist that would cause the implementation and operation of such
14 a mandate to be cost prohibitive.

15 The regional superintendent of schools shall review the
16 petition. In accordance with the Open Meetings Act, he or she
17 shall convene a public hearing to hear testimony from the
18 school district and interested community members. The regional
19 superintendent shall, on or before March 15 of each year,
20 inform the school district of his or her decision, along with
21 the reasons why the exemption was granted or denied, in
22 writing. The regional superintendent must also send
23 notification to the State Board of Education detailing which
24 school districts requested an exemption and the results.

25 If the regional superintendent grants an exemption to the
26 school district, then the school district is relieved from the

1 requirement to establish and implement the mandate in the
2 school or schools granted an exemption for the next school
3 year. If the regional superintendent of schools does not grant
4 an exemption, then the school district shall implement the
5 mandate in accordance with the applicable law or rule by the
6 first student attendance day of the next school year. However,
7 the school district or a resident of the school district may on
8 or before April 15 appeal the decision of the regional
9 superintendent to the State Superintendent of Education. The
10 State Superintendent shall hear appeals on the decisions of
11 regional superintendents of schools no later than May 15 of
12 each year. The State Superintendent shall make a final decision
13 at the conclusion of the hearing on the school district's
14 request for an exemption from the mandate. If the State
15 Superintendent grants an exemption, then the school district is
16 relieved from the requirement to implement a mandate in the
17 school or schools granted an exemption for the next school
18 year. If the State Superintendent does not grant an exemption,
19 then the school district shall implement the mandate in
20 accordance with the applicable law or rule by the first student
21 attendance day of the next school year.

22 If a school district or private school discontinues or
23 modifies a mandated activity due to lack of full funding from
24 the State, then the school district or private school shall
25 annually maintain and update a list of discontinued or modified
26 mandated activities. The list shall be provided to the State

1 Board of Education upon request.

2 (c) This Section does not apply to (i) any new statutory or
3 regulatory mandates related to revised learning standards
4 developed through the Common Core State Standards Initiative
5 and assessments developed to align with those standards or
6 actions specified in this State's Phase 2 Race to the Top Grant
7 application if the application is approved by the United States
8 Department of Education or (ii) new statutory or regulatory
9 mandates from the Race to the Top Grant through the federal
10 American Recovery and Reinvestment Act of 2009 imposed on
11 school districts designated as being in the lowest performing
12 5% of schools within the Race to the Top Grant application.

13 (d) In any instances in which this Section conflicts with
14 the State Mandates Act, the State Mandates Act shall prevail.

15 (Source: P.A. 96-1441, eff. 8-20-10.)